



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Automated Typesetting System

) Serial No. **09/429,196**

Inventors: Faust et al.

) Filing Date: October 28, 1999

) Group Art Unit: 2854

) Examiner: Iraj A. Rahimi AUG 30 2001

AFFIDAVIT OF COMMERCIAL SUCCESS UNDER 37 C.F.R. § 1.132

1. I, Daniel A. Fontana, am a United States citizen with principle mailing address care of Fine Arts Engraving Company, 109 Shore Drive, Burr Ridge, Illinois 60521.

2. I am an inventor of the invention disclosed and claimed in the above identified United States patent application for an Automated Typesetting System, Serial No. 09/429,196, filed on October 28, 1999. I am intimately familiar with the conception, reduction to practice, and operation of the invention disclosed and claimed in the above identified United States patent application.

3. I also am Vice President of Fine Arts Engraving Company ("Fine Arts"), an assignee and licensee of the Automated Typesetting System invention disclosed and claimed in the above identified United States patent application. Therefore, I have substantial knowledge of the commercial success of the invention disclosed and claimed in the above identified United States patent application.

4. I have reviewed and understand the contents of the above identified United States patent application, including the claims as amended during prosecution of the application.

5. I also have reviewed and understand the contents of the two United States patents cited as prior art in this case—Freedman (U.S. Patent 4,839,829) and Cupps et al. (U.S. Patent 5,991,739).

6. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

7. Before examining the commercial success of the Automated Typesetting System disclosed and claimed in the above identified United States patent application, it is important to understand the inefficiencies of the prior art to help establish a baseline for the claimed

invention's commercial success. Under traditional prior art production systems, orders for printed products were typically first received by order processing personnel. Then, following initial processing, the orders would be directed to typesetting experts for typesetting scheduling, and then to pre-press for formatting, layout, and set-up to be put in position for production.

8. Typically, orders would be scheduled for typesetting within a day or two after receipt, depending on backlog. The typesetting expert would review the order, manually enter the information from the order into a template (a template contains a customer's specific product layout information based on the customer's corporate identity specifications), manually adjust fonts, sizing, kerning, colors, and the like where necessary, and print out the draft typeset order for a proofreader's review. The proofreader would then isolate any typographical errors or formatting changes required by the customer's corporate identity specifications, and send those changes back to the typesetter for corrections. The typesetter would then manually correct the order. Once the corrections were made, the order would again be printed and reviewed a second time by the proofreader. If the proofreader determined that all of the customer's corporate identity specifications had been met and no typographical errors existed, the order was transmitted to the customer for approval.

9. Often times, after customer review, changes would need to be made due to poor fax quality, or because the typesetter or proofchecker overlooked an error. This time-consuming typesetting and proofing cycle was repeated until the order was approved by the customer and no further changes were required. Once the final approval was received, the order would be sent on to the printing department for preparation of the production plate or film. At its fastest, the entire process would typically take a minimum of three business days, and if further information was changed by the customer during the approval process, it would take even longer. Therefore, preparation of a single engraved business card order under using traditional prior art methods, for example, from receipt of order to creation of engraving production plate, may have taken anywhere from 3 to 5 days, or longer, with multiple and repeated levels of detailed, human proofing, and therefore, high overhead and increased consumer cost.

10. In addition to increased overhead and consumer cost, the extensive and repeated human supervision required under traditional prior art systems introduced multiple opportunities for error.

11. The Automated Typesetting System claimed in Claim 1 of the above identified United States patent application was conceived and designed to eliminate the inefficiencies in the prior art process described above.

12. Claim 1 of the above identified United States patent application claims: [a]n automated typesetting system used to produce a commercially-printed product according to a customer's corporate identity specifications, comprising:

means for creating, designing, storing, accessing, and updating an electronic graphic template of said product according to said customer's corporate identity specifications;

means for creating, designing, programming, storing, accessing, and updating an electronic database file, wherein said database file is programmed to receive and store populating data used to populate said electronic graphic template and said database file is further programmed with instructions and parameters used to format said populating data on said electronic graphic template according to said customer's corporate identity specifications;

means for inputting said populating data into said database file as database records;

means for automatically populating said populating data into said electronic graphic template; and

means for automatically formatting said populating data on said electronic graphic template according to said customer's corporate identity specifications to form a populated and formatted template.

13. The Automated Typesetting System claimed in Claim 1 has met with remarkable commercial success since it was put into use in October 1997.

14. The commercial success of the Automated Typesetting System claimed in Claim 1 can be measured in various ways.

15. First, the Automated Typesetting System claimed in Claim 1 has reduced the average production time for commercially printed products, such as business cards, envelopes, and stationery, from approximately 3 to 5 days to 1 day or less. In the printing industry, reduced production time means higher efficiency and higher production capacity. Moreover, it means increased customer satisfaction since customers receive their orders from Fine Arts much sooner than they would from a competitor. Such customer satisfaction and goodwill is invaluable and cannot be quantified.

16. Second, the Automated Typesetting System claimed in Claim 1 has allowed Fine Arts to save money by reducing staff. What once took several employees to format, layout, setup, put in place for production, and typeset a print job for a commercially printed product now is automatically accomplished by the Automated Typesetting System claimed in Claim 1. This has saved approximately \$250,000 in annual payroll costs.

17. Third, the Automated Typesetting System claimed in Claim 1 of the above identified United States patent application has nearly eliminated errors in the production process. Since print jobs are automatically formatted according to a customer's corporate identity specifications, the element of human error in the prior art production process has been virtually eliminated. This has saved approximately \$100,000 in annual costs for re-runs due to errors.

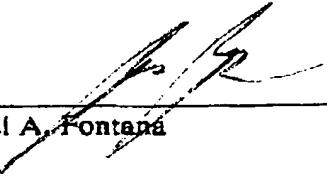
18. But perhaps the strongest evidence of the commercial success of the Automated Typesetting System claimed in Claim 1 of the above identified United States patent application is the remarkable increase in orders and sales once the claimed system was put into use.

19. Orders for commercially printed products based on a customer's corporate identity specifications, such as business cards, envelopes, and stationery, using the Automated Typesetting System claimed in Claim 1 of the above identified United States patent application have increased dramatically since the system put into use October 1997.

20. Total orders using the Automated Typesetting System claimed in Claim 1 rose from 6,744 in 1997, to 60,477 in 1998, to 72,648 in 1999, to 160,740 in 2000. This represents a nearly 2400% increase in orders over three years. During the same period, 1997 through 2000, total dollar sales of orders using the Automated Typesetting System claimed in Claim 1 rose approximately 1400%. I believe the increased orders and sales are directly attributable to use of the Automated Typesetting System claimed in Claim 1 of the application.

21. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 24, 2004


Daniel A. Fontana